

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BANK OF COMMUNICATIONS,
NEW YORK BRANCH,

Case No. 07 CV 4628

Plaintiffs,

**NOTICE OF MOTION FOR
DEFAULT JUDGMENT**

- against -

OCEAN DEVELOPMENT AMERICA, INC.,
HONGMING LI a/k/a MICHAEL LI and
XIAOMING ZHANG

Defendants.
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TO: Ocean Development America, Inc.
13453A Brooks Drive
Baldwin Park, California 91706

Ocean Development America, Inc.
3108 Willard Avenue
Rosemead, California 91770
Attn: Mr. Charles Yu, Service Agent


Hongming Li a/k/a Michael Li
13453A Brooks Drive
Baldwin Park, California 91706

Xiaoming Zhang
13453A Brooks Drive
Baldwin Park, California 91706

Upon the accompanying Affirmation of Allen Wu, dated October 12, 2007, Plaintiff, Bank of Communications, New York Branch, will move this Court, before the Honorable Thomas P. Griesa, at the United States Courthouse, 500 Pearl Street, New York, New York on October ____, 2007 at 10:00 am, for an Order granting a default judgment against defendants Ocean Development America, Inc., Hongming Li a/k/a Michael Li and Xiaoming Zhang, pursuant to F.R.C.P. 55 and Rule 11(a) of the Civil Rules, United States District Court for the Southern District of New York;

and, granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York
October 12, 2007


Allen Wu (AW-7466)
WU & KAO
Attorneys for Plaintiff
747 Third Avenue, 22nd Floor
New York, New York 10017

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BANK OF COMMUNICATIONS,
NEW YORK BRANCH,

Case No. 07 CV 4628

Plaintiffs,

AFFIRMATION

- against -

OCEAN DEVELOPMENT AMERICA, INC.,
HONGMING LI a/k/a MICHAEL LI and
XIAOMING ZHANG

Defendants.
-----X

Allen Wu, an attorney admitted to practice before the courts of this State, affirms the truth of the following statements under penalty of perjury:

1. I am a member of the law firm Wu & Kao, attorneys for Plaintiff Bank of Communications, New York Branch (hereinafter "BOCM") in the captioned action. I am fully familiar with the proceedings herein, and submit this affirmation in support of Plaintiff's motion for the entry of a default judgment against the Defendants, Ocean Development America, Inc., Hongming Li a/k/a Michael Li and Xiaoming Zhang.

2. As set forth in the Complaint (Exhibit A), this is an action for recovery of money loaned and restitution, fraud and deceit, conversion and unjust enrichment against Defendants and enforcement of the Judgment obtained in the matter entitled Bank of Communications, New York Branch v. Ocean Development America, Inc. Index No. 603101/2003 in the New York Supreme Court, for which a Judgment was filed and entered on August 14, 2006 against Ocean Development America, Inc., in the amount of \$4,874,210.58.

3. Jurisdiction of the subject matter of this action is based on 28 U.S.C. § 1332(a)(2).

4. The Summons and Complaint was served upon Defendant Ocean Development America, Inc. on June 22, 2007 at its Premises located at 13453 A Brooks Drive, Baldwin Park, California 91706 and also upon Ocean Development America, Inc.'s Registered Agent for Service (at that time) Philip K. Yeung at 240 S. Garfield Avenue, Monterey Park, CA 91755 (see Exhibit B, California Secretary of State Registered Agent Information Sheet) on June 26, 2007. Annexed hereto as Exhibit C are the duly filed proofs of service upon Defendant, Ocean Development America, Inc.

5. The Summons and Complaint was served upon Hongming Li a/k/a Michael Li by substitute service on June 21, 2007 at 13453 A Brooks Avenue, Baldwin Park, CA 91706, the Premises he owns which is his last known address (see Exhibit D, Proof of Service).

6. The Summons and Complaint was served upon Xiaoming Zhang by substitute service on June 21, 2007 at 13453 A Brooks Avenue, Baldwin Park, CA 91706, the Premises she owns which is her last known address (see Exhibit E, Proof of Service).

7. The time in which Defendants, Ocean Development America must answer or move with respect to the Complaint expired on July 22, 2007, 30 days after service of the Summons and Complaint. All of the Defendants have not answered and have not properly interposed any motions to forestall the present application for default other than the following:


8. On August 13, 2007, the Court informed us that Defendants, after being served, wrote letters directly to the Court. Judge Griesa forwarded the letters to us and instructed us to respond directly. After sending our response letter to Defendants per the Court's instruction, on August 14, 2007, neither we, nor our client, nor the Court, have received any correspondence or contact from Defendants. Thereafter on October 10, 2007, Judge Griesa's Clerk, John Beale, informed us we could file our motion for default judgment, rather than schedule an initial conference.

9. The Individual Defendants are not infants or incompetent persons.

10. In light of the above, Plaintiff, Bank of Communications, New York Branch, is entitled to have judgment by default entered against the Defendants, Ocean Development America Inc., Hongming Li a/k/a Michael Li and Xiaoming Zhang, pursuant to F.R.C.P. 55 and Rule 11(a) of the Civil Rules, United States District Court for the Southern District of New York.

WHEREFORE, it is respectfully requested that the Court grant this motion for an Order directing the entry of (i) a default judgment in favor of Plaintiff, and against Defendants Ocean Development America Inc., Hongming Li a/k/a Michael Li and Xiaoming Zhang in the amount of \$4,874,210.58 plus interests, costs and disbursements, (ii) a writ of attachment and/or protective order and permanent injunction against Defendants Ocean Development Inc., Hongming Li a/k/a Michael Li and Xiaoming Zhang concerning their assets, including but not limited to any bank accounts, real property located at 13453 A Brooks Drive, Baldwin Park, California, as well as any other identifiable assets and (iii) granting such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 12, 2007


Allen Wu (AW-7466)
WU & KAO
Attorneys for Plaintiff
747 Third Avenue, 22nd Floor
New York, New York 10017

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BANK OF COMMUNICATIONS,
NEW YORK BRANCH,

Case No. 07 CV 4628

Plaintiffs,

ORDER

- against -

OCEAN DEVELOPMENT AMERICA, INC.,
HONGMING LI a/k/a MICHAEL LI and
XIAOMING ZHANG

Defendants.
-----X

This action having been commenced on June 1, 2007 by the filing of the Summons and Complaint; and a copy of the Summons and Complaint having been served on Defendant Ocean Development America, Inc. on June 22, 2007, at 13453 A Brooks Avenue, Baldwin Park, California 91706 and also on Ocean Development America Inc.'s Registered Agent for Service of Process (as of that date), Philip Yeung, at 240 S. Garfield Avenue, Monterey Park, CA 91755; and having been served on Defendant Hongming Li a/k/a Michael Li by substitute service on June 21, 2007, at 13453 A Brooks Avenue, Baldwin Park, California 91706; and by substitute service on Xiaoming Zhang on June 21, 2007 at 13453 A Brooks Avenue, Baldwin Park, California 91706. The Returns of Service having been filed with the Court via ECF on July 13, 2007 and said Defendants not having answered the Complaint or moved with respect to the Complaint and the time for answering the Complaint having expired, now, on the application of Wu & Kao, attorneys for Plaintiff Bank of Communications, New York Branch, it is hereby:

ORDERED ADJUDGED AND DECREED that Plaintiff, Bank of Communications, New York Branch, has judgment against Defendants, Ocean Development America, Inc., Hongming Li

a/k/a Michael Li and Xiaoming Zhang in the amount of \$4,874,210.58, together with interest at the legal rate from August 14, 2006, plus the costs and disbursements of this action to be taxed; and

IT IS FURTHER ORDERED that Plaintiff, Bank of Communications, New York Branch have writ of attachment, and/or protective order and permanent injunction against Defendants Ocean Development America, Inc., Hongming Li a/k/a Michael Li and Xiaoming Zhang concerning their assets, including but not limited to any bank accounts, real property (including but not limited to the Premises located at 13453-A Brooks Drive, Baldwin Park, California 91706), as well as any other identifiable assets.

So Ordered this ____ day of October 2007

Thomas P. Griesa
United States District Judge